

MONDAY, MARCH 23, 1992

SEVENTY-FOURTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by P. Randell Jernigan, Fairlane Church of Christ, Shelbyville, Tennessee.

Representative Walley led the House in the Pledge of Allegiance to the Flag.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Garrett.

ROLL CALL

The roll call was taken with the following results:

Present . . . . . 94

Representatives present were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

ENROLLED BILLS

March 19, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 1780, 1781, 1791, 1809, 1810, 1818, 1819, 1820, 1823, 1826, 1827, 1828 and 1829; House Resolution(s) No(s). 170; also, House Joint Resolution(s)

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No(s). 557; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**SIGNED**  
**March 19, 1992**

The Speaker announced that he had signed the following: House Bill(s) No(s). 1780, 1781, 1791, 1809, 1810, 1818, 1819, 1820, 1823, 1826, 1827, 1828 and 1829; House Joint Resolution(s) No(s). 557; also, House Resolution(s) No(s). 170.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**ENROLLED BILLS**  
**March 19, 1992**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 2780, 2781, 2782, 2784, 2790, 2791, 2792, 2793, 2797 and 2798; also, House Joint Resolution(s) No(s). 456, 457, 540, 556, 559, 560, 561, 562, 563, 582 and 583; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**SIGNED**  
**March 19, 1992**

The Speaker announced that he had signed the following: House Bill(s) No(s). 2780, 2781, 2782, 2784, 2790, 2791, 2792, 2793, 2797 and 2798; also, House Joint Resolution(s) No(s). 456, 457, 540, 556, 559, 560, 561, 562, 563, 582 and 583.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**March 23, 1992**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2534, 2620, 2621 and 2623; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

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**\*Senate Bill No. 2534** -- Financial Institutions, Dept. of -- Allows department to recover costs of examination and supervision of institution assigned 3, 4 or 5 composite rating by department or federal regulatory agency; allows affiliate financial institution if contributed to unsound financial practice. Amends TCA 45-1-118. by \*Darnell.

**\*Senate Bill No. 2620** -- Sunset Laws -- Chickasaw basin authority, June 30, 2000. Amends TCA, Title 4, Ch. 29; Title 64, Ch. 1. by \*Hicks.

**\*Senate Bill No. 2621** -- Sunset Laws -- Upper Duck River development agency, board of directors, June 30, 2000. Amends TCA, Title 4, Ch. 29; Title 64, Ch. 1. by \*Hicks.

**\*Senate Bill No. 2623** -- Sunset Laws -- Beech River watershed authority, board of directors, June 30, 2000. Amends TCA, Title 4, Ch. 29; Title 64, Ch. 1. by \*Hicks.

**MESSAGE FROM THE SENATE**

**March 23, 1992**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 398; adopted for concurrence.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

**Senate Joint Resolution No. 0398** -- Memorials, Public Service -- Trooper John Marvin, DARE instructor. by \*McKnight, \*Burks, Hamilton.

**PRESENT IN CHAMBER**

Rep(s). Kernell and Love was/were recorded as being present in the Chamber.

**CONSENT CALENDAR**

**House Resolution No. 0168** -- Memorials, Sports -- Cosby High School girls' basketball team.

**House Joint Resolution No. 0566** -- Memorials, Recognition and Thanks -- Brother Paul Rogers.

**House Joint Resolution No. 0568** -- Memorials, Professional and Business Achievement -- June K. Stegall, Teacher.

**House Joint Resolution No. 0570** -- Memorials, Death -- Charlie Hill.

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**Senate Joint Resolution No. 0387** -- Memorials, Public Service -- Gamma Beta Phi Society, 1992 National Convention.

**Senate Joint Resolution No. 0388** -- Memorials, Personal Achievement -- Janene Marie O'Donnell, Valedictorian.

**House Bill No. 2181** -- Gas, Petroleum Products, Volatile Oils -- Requires service station merchants who sell petroleum products containing 1 percent oxygen to affix label or post notice in counties designated as "carbon monoxide non-attainment areas". Amends TCA 47-26-247.

On motion, House Bill No. 2181 was made to conform with Senate Bill No. 2094.

On motion, **Senate Bill No. 2094**, on same subject, was substituted for House Bill No. 2181.

**\*House Bill No. 1956** -- County Officers -- Abolishes office of constable in Humphreys County. Amends TCA, Title 8, Ch. 10.

On motion, House Bill No. 1956 was made to conform with Senate Bill No. 2276.

On motion, **Senate Bill No. 2276**, on same subject, was substituted for House Bill No. 1956.

**House Bill No. 2211** -- Real Property -- Removes restriction of register of deeds from admitting security trust for registration if does not state residence address of trustee. Amends TCA 66-24-123.

**House Bill No. 2144** -- Civil Procedure -- Requires advertisement or notice of trust of judicial sales to include certain information; requires notification to U.S. and Tennessee so such sales not subject to lien; requires deeds of sale to state land subject to rights of U.S. and Tennessee to redeem. Amends TCA 35-5-104.

On motion, House Bill No. 2144 was made to conform with Senate Bill No. 2279.

On motion, **Senate Bill No. 2279**, on same subject, was substituted for House Bill No. 2144.

**House Bill No. 2697** -- Sunset Laws -- Southern interstate nuclear compact, June 30, 2000. Amends TCA, Title 4, Ch. 29; Title 68, Ch. 23.

**House Bill No. 2698** -- Sunset Laws -- Chickasaw basin authority, June 30, 2000. Amends TCA, Title 4, Ch. 29; Title 64, Ch. 1.

**House Bill No. 2699** -- Sunset Laws -- Southern interstate nuclear board, June 30, 2000. Amends TCA, Title 4, Ch. 29; Title 68, Ch. 23.

**\*House Bill No. 1913** -- Utilities, Utility Districts -- Provides

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that members of metro utility board may not become employees of board and that employees of utility may not serve on board. Amends TCA, Title 7, Ch. 1.

**\*House Bill No. 2059 -- Taxes, Real Property --** Provides for grants, as well as loans, under low cost housing for elderly or handicapped as defined by National Housing Act for exemption from ad valorem and personalty taxes. Amends TCA 67-5-207.

**\*House Bill No. 2013 -- Public Records --** Expands services of employment assistance programs that are confidential under law. Amends TCA 10-7-504.

**House Bill No. 2704 -- Sunset Laws --** Tellico Reservoir development agency, June 30, 2000. Amends TCA, Title 4, Ch. 29; Title 64, Ch. 1.

**House Bill No. 2705 -- Sunset Laws --** State volunteer advisory board, June 30, 2000. Amends TCA, Title 4, Ch. 29; Title 41, Ch. 10.

**House Bill No. 1726 -- State Employees --** Authorizes up to 15 days of paid leave for state employees who are certified disaster service volunteers for Red Cross to participate in specialized disaster relief services with appointing authority's approval. Amends TCA, Title 8, Ch. 50, Pt. 1.

On motion, House Bill No. 1726 was made to conform with Senate Bill No. 1704.

On motion, Senate Bill No. 1704, on same subject, was substituted for House Bill No. 1726.

**House Resolution No. 0169 -- Memorials, Professional and Business Achievement --** Bill Corum, Tennessee Racing Hall of Fame.

**House Joint Resolution No. 0572 -- Memorials, Congratulations --** Chester County Quiz Bowl Team, 2nd place finalist at Beta Convention.

**House Joint Resolution No. 0574 -- Memorials, Death --** Richard K. Lawson.

**House Bill No. 2801 -- Samburg --** Increases maximum tax from 2 1/4 percent to 5 percent which may be levied under hotel/motel tax. Amends Chapter 65, Private Acts of 1989.

**House Bill No. 2805 -- Stewart County --** Levies severance tax on all pulpwood products severed from ground.

**House Bill No. 2807 -- Henderson County --** Revises school districts and board of education. Amends Chapter 724, Private Acts of 1931, as amended.

**Senate Joint Resolution No. 0401 -- Memorials, Death --** Jim Alexander.

**House Bill No. 2538** -- Financial Institutions, Dept. of -- Allows department to recover costs of examination and supervision of institution assigned 3, 4 or 5 composite rating by department or federal regulatory agency; allows recovery of costs of review of affiliate financial institution if contributed to unsound financial practice. Amends TCA 45-1-118.

On motion, House Bill No. 2538 was made to conform with Senate Bill No. 2534.

On motion, **Senate Bill No. 2534**, on same subject, was substituted for House Bill No. 2538.

**House Bill No. 2539** -- Financial Institutions, Dept. of -- Expands powers of commission to bring injunction in chancery court of Davidson County when violations of financial institution laws occur. Amends TCA, Title 45, Ch. 1.

**\*House Bill No. 2606** -- Motor Vehicles, Titling and Registration -- Permits all colleges and universities to have special license plates; presently, only applies to four year colleges and universities. Amends TCA 55-4-301.

**House Resolution No. 0151** -- Family Life Curriculum -- Urges family life education administrators and teachers to participate in state sponsored, regional family life workshops.

**House Bill No. 1999** -- Highways, Roads and Bridges -- Designates portion of U.S. 411 in Sevier County from city limits of Sevierville to Jefferson County boundary as scenic highway. Amends TCA, Title 54, Ch. 17, Pt. 1.

On motion, House Bill No. 1999 was made to conform with Senate Bill No. 2033.

On motion, **Senate Bill No. 2033**, on same subject, was substituted for House Bill No. 1999.

**House Joint Resolution No. 0529** -- Naming and Designating -- Ramp Festival Day, May 3, 1992.

**House Resolution No. 0171** -- Memorials, Personal Occasion -- Hillary Michelle Hedrick, birth.

**House Joint Resolution No. 0576** -- Memorials, Congratulations -- Eakin Elementary School.

**House Joint Resolution No. 0577** -- Memorials, Death -- Charles J. Powell, Blount County executive.

**House Joint Resolution No. 0578** -- Memorials, Sports -- Lauderdale Middle School, TNT Tournament champions.

**House Bill No. 2808** -- Carter County -- Enacts "Carter County Junkyard Control Act of 1992".

**House Bill No. 2810** -- Decherd -- Changes name from "Town of Decherd" to "City of Decherd". Amends Chapter 318, Acts of 1901, as amended.

**House Bill No. 2260** -- Union County -- Abolishes position of juvenile court judge; transfers jurisdiction to general sessions court. Repeals Chapter 325, Private Acts of 1921, as amended.

**OBJECTION -- CONSENT CALENDAR**

Objection(s) was/were filed to the following on the Consent Calendar:

**House Resolution No. 151:** by Rep. Chiles.

**House Bill No. 2013;** by Rep. Chiles.

**House Bill No. 2698;** by Rep. U. Jones.

**House Bill No. 2704;** by Rep. U. Jones.

Under the rules, House Resolution(s) No(s). 151 and House Bill(s) No(s). 2013, 2698, 2704 was/were placed at the foot of the calendar for Wednesday, March 25, 1992.

Pursuant to Rule No. 50, Rep. Phillips moved that all House Bills having companion Senate Bills on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes. . . . .	93
Noes. . . . .	1
Present and not voting. . . . .	2

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Kent, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Joyce -- 1.

Representatives present and not voting were: Coffey, Hargrove -- 2.

A motion to reconsider was tabled.

#### REGULAR CALENDAR

**House Bill No. 2202** -- Game and Fish Laws -- Creates statewide annual agency lake permit fee; establishes field trial permit and fee for wildlife management areas. Amends TCA 70-2-202, 219.

On motion, House Bill No. 2202 was made to conform with Senate Bill No. 2183.

On motion, **Senate Bill No. 2183**, on same subject, was substituted for House Bill No. 2202.

Rep. Hillis moved that **Senate Bill No. 2183** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	91
Noes. . . . .	3
Present and not voting. . . . .	4

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holt, Hubbard, Huskey, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Gunnels, Niceley, Shirley -- 3.

Representatives present and not voting were: Holcomb, Jackson, Rigsby, Stamps -- 4.

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from present not voting to no on



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Senate Bill No. 2183 and have this statement entered in the Journal.

Rep. Randy Stamps

### **RULES SUSPENDED**

Rep. Chiles moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 592 out of order, which motion prevailed.

**House Joint Resolution No. 0592** -- Memorials, Public Service -- H. Calvin Walter. by \*Chiles.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Chiles, the resolution was adopted.

A motion to reconsider was tabled.

### **REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 1609** -- Criminal Offenses -- Increases penalty for cruelty to animals; establishes civil penalty. Amends TCA, Title 39, Ch. 14, Pt. 2.

Rep. Liles moved that House Bill No. 1609 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

#### **Amendment No. 1**

Amend House Bill No. 1609 by deleting Section 2 in its entirety and by renumbering the subsequent section accordingly.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

#### **Amendment No. 2**

Amend House Bill No. 1609 by deleting from Section 1 the language "39-14-202(e)" and by substituting instead the language "39-14-202(f)".

On motion, Amendment No. 2 was adopted.

Rep. Liles moved that House Bill No. 1609, as amended, be reset

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to the Calendar for Wednesday, March 25, 1992, which motion prevailed.

**House Bill No. 2701 -- Sunset Laws -- Upper Duck River development agency, board of directors, June 30, 2000. Amends TCA, Title 4, Ch. 29; Title 64, Ch. 1.**

Rep. King moved that House Bill No. 2701 be reset one week to the Calendar for March 30, 1992, which motion prevailed.

**House Bill No. 2702 -- Sunset Laws -- Tennessee municipal solid waste advisory committee, June 30, 2000. Amends TCA, Title 4, Ch. 29; Title 68, Ch. 31.**

Rep. King moved that House Bill No. 2702 be passed on third and final consideration.

Rep. King moved adoption of Government Operations Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2702 by deleting Section 2 in its entirety and by substituting instead the following new Section 2:

SECTION 2. Tennessee Code Annotated, Section 4-29-214(a), is amended by adding a new item thereto, as follows:

( ) Tennessee municipal solid waste advisory committee, created by § 68-31-841;

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. King moved that **House Bill No. 2702**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	2
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart,

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Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullios, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Callicott, Joyce -- 2.

Representatives present and not voting were: Stamps -- 1.

A motion to reconsider was tabled.

**House Bill No. 0876** -- District Attorneys -- Authorizes additional assistant district attorneys general and criminal investigators in 23rd judicial district. Amends TCA 16-2-506.

On motion, House Bill No. 876 was made to conform with Senate Bill No. 414.

On motion, **Senate Bill No. 414**, on same subject, was substituted for House Bill No. 876.

Rep. Jackson moved that **Senate Bill No. 414** be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend Senate Bill No. 414 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Jackson moved that **Senate Bill No. 414**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	98
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox),

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DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**House Bill No. 1715** -- Highway Signs -- "Garrett-Maynard Highway", State Highway 52 between Livingston and Overton/Clay County line.

On motion, House Bill No. 1715 was made to conform with Senate Bill No. 1697.

On motion, **Senate Bill No. 1697**, on same subject, was substituted for House Bill No. 1715.

Rep. Windle moved that **Senate Bill No. 1697** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	98
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**House Bill No. 1717** -- Highway Signs -- Big South Fork National River and Recreation Area, I-40.

On motion, House Bill No. 1717 was made to conform with Senate Bill No. 1791.

On motion, **Senate Bill No. 1791**, on same subject, was substituted for House Bill No. 1717.

Rep. Windle moved that **Senate Bill No. 1791** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	98
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**\*House Bill No. 2042** -- Gas, Petroleum Products, Volatile Oils -- Removes power of oil and gas board to require bond for wells permitted and drilled before July 1, 1987. Amends TCA 60-1-202.

On motion, House Bill No. 2042 was made to conform with Senate Bill No. 2257.

On motion, **Senate Bill No. 2257**, on same subject, was substituted for House Bill No. 2042.

Rep. Windle moved that **Senate Bill No. 2257** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	93
Noes. . . . .	2
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McDaniel, McKee, Meyer, Moore,

Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Copeland, Haley -- 2.

Representatives present and not voting were: Chumney -- 1.

A motion to reconsider was tabled.

**House Bill No. 2071** -- Driver Licenses -- Allows commissioner to waive requirement for social security number on driver license applications for persons having religious objections to use of social security numbers. Amends TCA, Title 55, Ch. 50, Pt. 3.

On motion, House Bill No. 2071 was made to conform with Senate Bill No. 2034.

On motion, **Senate Bill No. 2034**, on same subject, was substituted for House Bill No. 2071.

Rep. Windle moved that **Senate Bill No. 2034** be passed on third and final consideration.

On motion, Rep. Robinson (Davidson) withdrew Transportation Committee Amendment No. 1.

Rep. Windle moved that **Senate Bill No. 2034** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**MONDAY, MARCH 23, 1992 -- SEVENTY-FOURTH LEGISLATIVE DAY**

**House Bill No. 2657** -- School Transportation -- Limits seating on school buses to number which can be safely seated, as determined by commissioner of education, plus one additional child per row. Amends TCA 49-6-2110.

Rep. Rhinehart moved that **House Bill No. 2657** be referred to the Finance, Ways and Means Committee, which motion prevailed.

**House Bill No. 2528** -- Interest Rates -- Establishes methods of interest rate calculations for contracts and home loan contracts. Amends TCA 47-14-106, 47-15-104.

On motion, House Bill No. 2528 was made to conform with Senate Bill No. 2602.

On motion, **Senate Bill No. 2602**, on same subject, was substituted for House Bill No. 2528.

Rep. Rhinehart moved that **Senate Bill No. 2602** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	80
Noes. . . . .	5
Present and not voting. . . . .	8

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Ferguson, Fowlkes, Givens, Gunnels, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Love, McDaniel, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 80.

Representatives voting no were: Haley, Robinson (Davidson), Sipes, Stamps, Tullos -- 5.

Representatives present and not voting were: Chiles, Duer, Herron, Holcomb, McKee, Pruitt, Shirley, Whitson -- 8.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from not voting to aye on Senate

Bill No. 2602 and have this statement entered in the Journal.

Rep. Bill McAfee

**REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 2581** -- Corporations -- Requires corporation seeking reinstatement after administrative dissolution to post \$500 bond with secretary of state for five years following reinstatement; bond to be forfeited if corporation fails to file annual report. Amends TCA 48-24-203.

Rep. Buck moved that House Bill No. 2581 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2581 by deleting Section 1 of the bill, and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 48-24-203, is amended by deleting the following words from the first sentence of subsection (a):

"within two (2) years after the effective date of dissolution:

so that the subsection as amended would read as follows:

(a)A corporation administratively dissolved [sic] under Section 48-24-202 may apply to the secretary of state for reinstatement. The application must:

(1)Recite the name of the corporation at its date of dissolution;

(2)State that the ground or grounds for dissolution either did not exist or have been eliminated;

(3)State a corporate name that satisfies the requirements of Section 48-14-101; and

(4)Contain a certificate from the commissioner of revenue reciting that the corporation has properly filed all reports and paid all taxes and penalties required by revenue laws of this state.



On motion, Amendment No. 1 was adopted.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

REGULAR CALENDAR, CONTINUED

Thereupon, Rep. Buck moved that **House Bill No. 2581**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	97
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 2177** -- Highway Signs -- "Home of Wilma Rudolph," Clarksville.

On motion, House Bill No. 2177 was made to conform with Senate Bill No. 2375.

On motion, **Senate Bill No. 2375**, on same subject, was substituted for House Bill No. 2177.

Rep. Knight moved that **Senate Bill No. 2375** be passed on third and final consideration.

On motion, Rep. Robinson (Davidson) withdrew Transportation Committee Amendment No. 1.

Rep. Robinson (Davidson) moved adoption of Transportation Committee Amendment No. 2 as follows:

Amendment No. 2

Amend Senate Bill No. 2375 by deleting from Section 1 the language "state roads leading into Montgomery County: and by substituting instead the language "each of the four (4) exits leading into the city of Clarksville from Interstate 24, such exits being Highway 24, Highway 48, Highway 76, Highway 79 and the Rossview Exit".

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Knight moved that **Senate Bill No. 2375**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	97
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**\*House Bill No. 2467** -- Education -- Permits local governmental bodies to retain school superintendent employed by local education board upon two-thirds vote instead of conducting election for office in 1992. Amends TCA, Title 49, Ch. 2.

Rep. Bivens moved that House Bill No. 2467 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2467 by deleting the statutory reference 49-3-3\_\_\_ in Section 1 of the bill and by substituting instead the reference 49-2-3\_\_\_.

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AND FURTHER AMEND the bill by adding the following as a new Section 2 of the bill and by renumbering the remaining sections accordingly:

SECTION 2. Chapter 535 of the Public Acts of 1992 (Senate Bill 1231/House Bill 752) is amended in Section 8 by adding the following at the end of subdivision ( ) (2).

If this subdivision does not become a law more than one (1) year before the 1993 election for superintendent by the local legislative body of a county, then the legislative body may vote at any time prior to the election of the superintendent to retain the current method of election of the superintendent by the county legislative body. Any subsequent elections shall comply with the provisions of subdivision ( ) (3)

AND FURTHER AMEND the bill by adding the following as a new Section 3 of the bill and by renumbering the remaining sections accordingly:

SECTION 3. Chapter 535 of the Public Acts of 1992 (Senate Bill 1231/House Bill 752) is amended in Section 12 by adding the following at the end of subdivision (h) (1):

If this subdivision does not become a law more than one (1) year before the 1993 election for superintendent by the local legislative body of a county, then the legislative body may vote at any time prior to the election of the superintendent to retain the current method of election of the superintendent by the county legislative body. Any subsequent elections shall comply with the provisions of subdivision (h) (2).

On request of Rep. Bivens, House Bill No. 2467 was moved three spaces.

**House Bill No. 1859** -- Highway Signs -- "Will Dixon Bridge," S.R. 50 in Perry County.

On motion, House Bill No. 1859 was made to conform with Senate Bill No. 1883.

On motion, **Senate Bill No. 1883**, on same subject, was substituted for House Bill No. 1859.

Rep. McDaniel moved that **Senate Bill No. 1883** be passed on third

and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	97
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 2734 -- Driver Licenses -- Removes restriction concerning offenses involving mandatory revocation from requirements for commercial driver license. Amends TCA, Title 55, Ch. 50.**

Rep. Head moved that House Bill No. 2734 be passed on third and final consideration.

Rep. Robinson (Davidson) moved adoption of Transportation Committee Amendment No. 1 as follows:

#### Amendment No. 1

AMEND House Bill No. 2734 by adding before the effective date section the following new sections and by renumbering the effective date section accordingly:

SECTION 2. Tennessee Code Annotated, Section 55-50-504(a)(1), is amended by deleting the subdivision in its entirety and by substituting instead the following:

A person who drives a motor vehicle on any public highway of this state at a time when the person's privilege to do so is cancelled, suspended, or revoked commits a Class B misdemeanor. Provided, however, a person who drives a motor vehicle on any public highway of this state at a time when the person's privilege to do so is cancelled, suspended, or revoked because of a violation of §55-10-401, §39-13-213, §55-10-101 or §55-10-102 shall be punished by confinement for not less than two (2) days nor more than six months, and there may be imposed in addition

a fine of not more than five hundred dollars (\$500).

SECTION 3. Tennessee Code Annotated, Section 55-50-504(a)(2), is amended by deleting the subdivision in its entirety and by substituting instead the following:

A second or subsequent violation of subdivision (1) is a Class A misdemeanor. Provided, however, a person who drives a motor vehicle on any public highway of this state at a time when the person's privilege to do so is cancelled, suspended, or revoked because of a second or subsequent violation of \$55-10-401, \$39-13-213, \$55-10-101 or \$55-10-102 shall be punished by confinement for not less than forty five (45) days nor more than one (1) year, and there may be imposed in addition a fine of not more than five hundred dollars (\$500).

SECTION 4. Tennessee Code Annotated, Section 55-50-504(b), is amended by inserting between the words "revoked" and "the" the language "for a violation of \$55-10-401, \$39-13-213, \$55-10-101 or \$55-10-102".

SECTION 5. Tennessee Code Annotated, Section 55-50-504(f), is amended by deleting the language "provisions of this section" and by substituting instead the language "provisions of this section for a violation of \$55-10-401, \$39-13-213, \$55-10-101 or \$55-10-102".

Tennessee Code Annotated, Section 55-50-504(f), is further amended by deleting the language "under this section" and by substituting instead the language "under this section for a violation of \$55-10-401, \$39-13-213, \$55-10-101 or \$55-10-102".

On motion, with Reps. Williams (Shelby), Chumney, Kernell and Knight requesting to be recorded as voting no, Amendment No. 1 was adopted.

Rep. Head moved that House Bill No. 2734, as amended, be passed on third and final consideration.

Rep. Duer moved that House Bill No. 2734, as amended, be reset to the Calendar for Wednesday, March 25, 1992, which motion prevailed.

#### CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

**House Bill No. 2735** -- Contractors -- Restricts contractors from performing work in a classification other than classification for which contractor is licensed. Amends TCA 62-6-111.

Rep. Head moved that House Bill No. 2735 be reset to the Calendar for April 1, 1992, which motion prevailed.

**\*House Bill No. 2467** -- Education -- Permits local governmental bodies to retain school superintendent employed by local education board upon two-thirds vote instead of conducting election for office in 1992. Amends TCA, Title 49, Ch. 2.

Further consideration of House Bill No. 2467, discussed earlier today, at which time a motion was made to adopt Education Committee Amendment No. 1. Rep. Davidson renewed the motion to adopt, which motion prevailed.

Thereupon, Rep. Bivens moved that **House Bill No. 2467**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	78
Noes. . . . .	18
Present and not voting. . . . .	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bittle, Bivens, Bragg, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Fowlkes, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, West, Williams (Shelby), Wood, Mr. Speaker Naifeh -- 78.

Representatives voting no were: Bell, Buck, Crain, Cross, Davis (Knox), Duer, Ferguson, Gunnels, Jackson, Phillips, Rigsby, Stamps, Walley, Whitson, Williams (Union), Windle, Winningham, Wix -- 18.

Representatives present and not voting were: Givens, Herron -- 2.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a

desire to change my original stand from yes to no on House Bill No. 2467 and have this statement entered in the Journal.

Rep. Ralph Cole

REGULAR CALENDAR, CONTINUED

**\*House Bill No. 1933** -- Alcoholic Beverages -- Removes surety bond requirements which secure payment of beer taxes if taxpayer has been in continuous operation for three years and has timely paid such taxes for six months. Amends TCA 57-5-106, 57-6-107.

On motion, House Bill No. 1933 was made to conform with Senate Bill No. 1979.

On motion, **Senate Bill No. 1979**, on same subject, was substituted for House Bill No. 1933.

Rep. Head moved that **Senate Bill No. 1979** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	77
Noes. . . . .	18
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Fowlkes, Halteman, Hargrove, Harrill, Hassell, Head, Hill, Hillis, Holt, Hubbard, Huskey, Johnson, Jones, R (Shelby), Jones, U (Shelby), Kent, Kerneil, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Tindell, Turner (Hamilton), Turner (Shelby), Venable, West, Williams (Shelby), Wix, Wood, Mr. Speaker Naifeh -- 77.

Representatives voting no were: Anderson, Cross, Ferguson, Givens, Gunnels, Haley, Holcomb, Joyce Niceley, Rigsby, Sipes, Stamps, Tullios, Walley, Whitson, Williams (Union), Windle, Winningham -- 18.

Representatives present and not voting were: Jackson -- 1.

A motion to reconsider was tabled.

**House Bill No. 2141** -- Hospitals and Health Care Facilities -- Prohibits hospital from imposing charge on patient for record if patient is filing Social Security claim; such record must be provided free of charge. Amends TCA 68-11-304.

Rep. Kernell moved that House Bill No. 2141 be passed on third and final consideration.

Rep. Jackson moved to amend as follows:

**Amendment No. 1**

Amend House Bill No. 2141 by deleting in its entirety the amendatory language of Section 1, and by substituting instead the following language:

Provided, however, a hospital may not impose a charge on an indigent person for furnishing to such person a health record or part thereof concerning such patient, such patient's attorney or authorized representative, if the record or part thereof is necessary for the purpose of supporting a claim or appeal under any provision of the Social Security Act, and a request for the record or part thereof is accompanied by a copy of a recent application seeking benefits under the Social Security act or a copy of a recent decision denying such benefits. Patients being represented by organizations whose purpose is to provide legal assistance to the indigent or represented by attorneys with an affiliated pro bono program shall be presumed indigent. A hospital may demand reasonable proof of indigency from any other patient. A hospital shall furnish a health record requested pursuant to this section within thirty (30) days of the request.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Kernell moved that **House Bill No. 2141**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	98
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.



A motion to reconsider was tabled.

### RULES SUSPENDED

Rep. Rhinehart moved to suspend the **Rule No. 81(1)** so that, House Bill No. 2657 can be heard in Finance, Ways and Means Committee this week, which motion prevailed.

### REGULAR CALENDAR, CONTINUED

**House Bill No. 2703** -- Sunset Laws -- Beech River watershed authority, board of directors, June 30, 2000. Amends TCA, Title 4, Ch. 29; Title 64, Ch. 1.

On motion, House Bill No. 2703 was made to conform with Senate Bill No. 2623.

On motion, **Senate Bill No. 2623**, on same subject, was substituted for House Bill No. 2703.

Rep. King moved that **Senate Bill No. 2623** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

### UNFINISHED BUSINESS

#### BILL RETURN REQUESTED

Pursuant to **Rule No. 54**, Rep. Hill moved that the Clerk request the return of House Bill No. 2198 from the Senate.

PARLIAMENTARY INQUIRY

Rep. DeBerry asked if she could vote on this motion since she did not vote on the bill last week. Mr. Speaker Naifeh responded that she could.

PARLIAMENTARY INQUIRY

Rep. King asked if a vote of yes on the motion to recall would be seen as a vote FOR the bill. Mr. Speaker Naifeh responded that it would not.

PARLIAMENTARY INQUIRY

Rep. Jackson asked about the motion to reconsider as addressed in House Rule No. 40 and how it related to the bill in question. Mr. Speaker Naifeh responded that, since the vote had already been announced and the motion to reconsider had been tabled, that rule did not apply.

REGULAR CALENDAR, CONTINUED

Rep. Severance moved the previous question, which motion prevailed by the following vote:

Ayes. . . . .	86
Noes. . . . .	0
Present and not voting. . . . .	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Givens, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood -- 86.

Representatives present and not voting were: Fowlkes, Rhinehart -- 2.

Thereupon, Rep. Hill renewed the motion to recall House Bill No. 2198 from the Senate, which motion prevailed.

**MOTION**

Rep. Pinion moved that the House adjourn. After discussion, he withdrew the motion.

**SPONSORS ADDED**

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 123:** Rep(s). Hillis as the prime sponsor(s).

**House Bill No. 1435:** Rep(s). Walley as prime sponsor(s).

**House Bill No. 1651:** Rep(s). Duer as prime sponsor(s).

**House Bill No. 1895:** Rep(s). Knight as prime sponsor(s).

**House Bill No. 1954:** Rep(s). Knight as prime sponsor(s).

**House Bill No. 1995:** Rep(s). Knight as prime sponsor(s).

**House Bill No. 2024:** Rep(s). Walley as prime sponsor(s).

**House Bill No. 2042:** Rep(s). Winningham as prime sponsor(s).

**House Bill No. 2071:** Rep(s). Givens as prime sponsor(s).

**House Bill No. 2356:** Rep(s). Knight as prime sponsor(s).

**House Bill No. 2368:** Rep(s). Knight as prime sponsor(s).

**House Bill No. 2392:** Rep(s). Johnson as prime sponsor(s).

**House Bill No. 2433:** Rep(s). King, Kent and Turner L. (Shelby) as prime sponsor(s).

**House Bill No. 2437:** Rep(s). Walley as prime sponsor(s).

**House Bill No. 2710:** Rep(s). McDaniel as prime sponsor(s).

**REQUESTS TO BE ADDED AS SPONSORS**

The following members requested to add their names as sponsors as indicated below, the prime sponsor having agreed to such addition. Sponsorship was not granted since request was made after passage/adoption of said bill/resolution.

**House Joint Resolution No. 574:** Rep(s). McAfee.

**RULES SUSPENDED**

Rep. Herron moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 587, which motion prevailed.

**House Joint Resolution No. 0587** -- Memorials, Public Service -- Dr. Sheldon Korones. by \*Herron, \*Williams K.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Herron, the resolution was adopted.

A motion to reconsider was tabled.

**INTRODUCTION OF RESOLUTIONS**

On motion, the resolution(s) listed was/were introduced and referred as noted:

**\*House Joint Resolution No. 0580** -- Constitutional Amendments -- Extends terms of house and senate to four and six years; limits service to twelve consecutive years. by \*Johnson.

Referred by the Speaker to the State and Local Government Committee.

**House Joint Resolution No. 0581** -- Memorials, Death -- Frank Crosslin, Sr., Eagleville. by \*Bragg, \*Liles.

Referred by the Speaker to the Calendar and Rules Committee.

**\*House Joint Resolution No. 0584** -- Naming and Designating -- "Allen E. Williams Memorial Armory", National Guard Armory, Huntingdon. by \*Ridgeway, \*Herron, \*McDaniel.

Referred by the Speaker to the State and Local Government Committee.

**House Joint Resolution No. 0585** -- Memorials, Retirement -- Willie Arnold Smith. by \*Windle.

Referred by the Speaker to the Calendar and Rules Committee.

**House Joint Resolution No. 0586** -- Memorials, Public Service -- Dr. Harold Middlebrook, Sr. by \*Armstrong, \*Tindell, \*Severance, \*Hill, \*Davis J K, \*Peroulas Draper, \*Bittle.

Referred by the Speaker to the Calendar and Rules Committee.

**House Joint Resolution No. 0588** -- Naming and Designating -- "Earthquake Preparedness Week," November 8-14, 1992. by \*Kisber.

Referred by the Speaker to the State and Local Government Committee.

**House Joint Resolution No. 0589** -- Naming and Designating --

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"Tennessee State Employee Week," June 14 - June 20, 1992. by \*Ridgeway, \*Duer.

Referred by the Speaker to the State and Local Government Committee.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

On motion, the resolutions listed were referred as noted:

**Senate Joint Resolution No. 0396** -- Memorials, Personal Achievement -- Trenton Elementary School Odyssey of the Mind Team.

Referred by the Speaker to the Calendar and Rules Committee.

**Senate Joint Resolution No. 0406** -- Memorials, Recognition and Thanks -- Dolly D. Gerregano.

Referred by the Speaker to the Calendar and Rules Committee.

**RESOLUTIONS LYING OVER**

On motion, the resolutions(s) listed was/were referred as noted:

**\*Senate Joint Resolution No. 0370** -- General Assembly, Directed Studies -- Directs comptroller of the treasury to study utility districts and extent to which modifications are needed to ensure highest degree of efficiency, effectiveness and public accountability.

Referred by the Speaker to the State and Local Government Committee.

**INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 2787** -- Highways, Roads and Bridges -- Authorizes county legislative body of Hardin County to locate highway department beyond limits of county town but within boundaries of county. Amends TCA 5-7-105. by \*Rinks.

Passed first consideration.

**\*House Bill No. 2789** -- Marriage -- Authorizes judge of general sessions court in Humphreys County to perform marriages. Amends TCA 36-3-301. by \*Collier.

Passed first consideration.

**\*House Bill No. 2809** -- Regional Authorities -- Authorizes

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Wilson County regional solid waste authority to operate pursuant to resolution passed by legislative body; restricts operation to Wilson County until regions are formed; suspends flow control authority. by \*Bell.

Passed first consideration.

**SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk as noted:

**\*Senate Bill No. 1708 -- Civil Procedure --** Permits opening of sealed medical records if subpoena for such records directs attendance at civil deposition where patient's medical condition is relevant. Amends TCA, Title 68, Ch. 11, Pt. 4. (HB 2035).

Held pending third consideration of companion House Bill.

**\*Senate Bill No. 1757 -- Drug and Alcohol Rehabilitation --** Authorizes Department of Correction to establish drug treatment programs for those persons convicted of a crime, such persons required to pay for treatment based on sliding scale. Amends TCA, Title 41. (HB 1921).

Held pending third consideration of companion House Bill.

**\*Senate Bill No. 1863 -- Sunset Laws --** Tennessee state racing commission, June 30, 2001. Amends TCA, Title 4, Chs. 29, 36. (HB 1832).

Held pending third consideration of companion House Bill.

**\*Senate Bill No. 2327 -- Housing --** Authorizes state to match local funds to deliver human resources without having specific allocation in General Appropriations Act. Amends TCA, Title 13, Ch. 26. (HB 2267).

Held pending third consideration of companion House Bill.

**\*Senate Bill No. 2416 -- Budget Procedures --** Authorizes appropriations from natural resources trust fund for Tennessee Flora Project. Amends TCA, Title 11, Ch. 14. (HB 2385).

Held pending third consideration of companion House Bill.

**\*Senate Bill No. 2528 -- Revenue, Dept. of --** Increases amount of penalties and refunds which can be authorized by commissioner or designee. Amends TCA 67-1-803, 67-1-1802. (HB 2540).

Held pending third consideration of companion House Bill.

**HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted:

**\*House Bill No. 2785** -- Drugs -- Passed second consideration and referred to the Transportation Committee.

**House Bill No. 2811** -- Carter County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

**LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES**

**March 23, 1992**

In accordance with **Rule No. 48**, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 2811.

**REPORT OF COMMITTEE ON CALENDAR AND RULES**

**CONSENT CALENDAR**

**March 23, 1992**

**MR. SPEAKER:** The officers of your Calendar and Rules Committee report that we have set the following bill(s) and/or resolution(s) on the **Consent Calendar for Monday, March 30, 1992:** House Joint Resolution(s) No(s). 581, 585 and 586; House Bill(s) No(s). 2811; also, Senate Joint Resolution(s) No(s). 396 and 406.

PHILLIPS, Chair.

**MESSAGE FROM THE GOVERNOR**

**March 21, 1992**

**MR. SPEAKER:** I am directed by the Governor to return herewith: House Bill(s) No(s). 1773, 1775, 1787, 1802, 1803 and 2310, with his approval.

DAVID H. WELLES,  
Counsel to the Governor.

**ENGROSSED BILLS**

**March 23, 1992**

**MR. SPEAKER:** Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution(s) No(s). 592; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MONDAY, MARCH 23, 1992 -- SEVENTY-FOURTH LEGISLATIVE DAY**

**MESSAGE FROM THE SENATE**

**March 23, 1992**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1587, 1811, 1898 and 2778; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**ENGROSSED BILLS**

**March 23, 1992**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1913, 2059, 2141, 2211, 2260, 2467, 2539, 2581, 2606, 2697, 2699, 2702, 2705, 2801, 2805, 2807, 2808 and 2810; also, House Joint Resolution(s) No(s). 529, 566, 568, 570, 572, 574, 576, 577 and 578; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**

**March 23, 1992**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution(s) No(s). 587; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**March 23, 1992**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 592; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**March 23, 1992**

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 1737.



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The Senate nonconcurred in House Amendment(s) No(s). 1, 2 and 10.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 98

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

On motion of Rep. Purcell, the House recessed until 2:00 p.m., Wednesday, March 25, 1992.